

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAFAEL J. MAGANA,

Defendant.

8:23CR236

**PRELIMINARY ORDER
OF FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 108). The Court has carefully reviewed the record in this case and finds as follows:

1. On September 19, 2024, defendant Rafael J. Magana ("Magana") pleaded guilty to Counts I, IV, and V of the Indictment (Filing No. 1) and admitted the Forfeiture Allegation. Count I of the Indictment charged him with conspiracy to distribute a detectable amount of fentanyl; in violation of 21 United States Code section 846. Count IV of the Indictment charged him with distribution of a detectable amount of fentanyl; in violation of 21 United States Code section 841(a)(1) and (b)(1). Count V of the Indictment charged him with possession with intent to distribute 400 grams or more of fentanyl; in violation of 21 United States Code section 841(a)(1) and (b)(1).

2. The Forfeiture Allegation sought forfeiture of \$6,680 in United States currency seized from 5013 N. 129th Street, Omaha, Nebraska, on or about July 24, 2023, as "property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense."

3. Based on Magana's guilty plea and admission, Magana forfeits his interest in the \$6,680 in United States currency and the government is entitled to possession of any interest Magana has in the \$6,680 in United States currency pursuant to 21 U.S.C. § 853.

4. The government's Motion for Preliminary Order of Forfeiture (Filing No. 108) is granted.

IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 108) is granted.
2. Based upon the Forfeiture Allegation of the Indictment (Filing No. 1) and Magana's guilty plea and admission, the government is hereby authorized to seize the \$6,680 in United States currency.
3. Magana's interest in the \$6,680 in United States currency is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$6,680 in United States currency is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the \$6,680 in United States currency in such manner as the Attorney General may direct, and notice that any person, other than the Magana, having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$6,680 in United States currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$6,680 in United States currency and any additional facts supporting the Petitioner's claim and the relief sought.

7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$6,680 in United States currency as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 1st day of October 2024.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge